

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

WILLIAM GEORGE MITCHELL,

Petitioner,

v.

WARDEN WALTER BERRY,

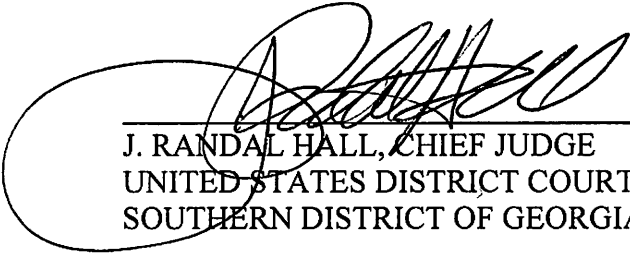
Respondent.

CIVIL ACTION NO.: 6:17-cv-119

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 23), to which Petitioner William Mitchell ("Mitchell") failed to file Objections. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES without prejudice** Mitchell's 28 U.S.C. § 2254 Petition based on his failure to respond to a Court Order. In the alternative, the Court **GRANTS** Respondent's Motion to Dismiss, (doc. 15), and **DISMISSES** Mitchell's Petition. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal and **DENIES** Mitchell *in forma pauperis* status on appeal and a Certificate of Appealability.

SO ORDERED, this 10th day of September, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA